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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,656	09/25/2003	Yuichi Futa	2003-1372A	4351
513 7590 01/22/2009 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER				
BURGESS, BARBARA N				
ART UNIT		PAPER NUMBER		
2457				
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01/22/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/669,656

**Applicant(s)**

FUTA ET AL.

**Examiner**

BARBARA N. BURGESS

**Art Unit**

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-24, 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to Election/Restriction requirement filed October 30, 2008. Claims 22-24, 26 (Group II) have been elected by Applicant for prosecution.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 22-24, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura et al. (hereinafter "Nak", US Patent Publication 2003/0028537 A1).

As per claim 22, Nak discloses a group judgment device that is connected to a network and that shares common private information with a target device connected to the network, comprising:

a conversion unit operable to subject the private information to predetermined conversion, to generate first conversion information (paragraphs [0003, 0017-0018]);

a transmission/reception unit operable to transmit first data with a predetermined format to the target device, and receive, from the target device, second data with a

predetermined format transmitted in response to the first data, the second data including second conversion information that has been generated by the target device subjecting the private information to the predetermined conversion (paragraphs [0017, 0021]);

a measurement unit operable to measure, as a target time, a time required between (a) transmission of the first data by the transmission/reception unit and (b) reception of the second data by the transmission/reception unit (paragraph [0024]); and

a judgment unit operable to

(i) compare the target time measured by the measurement unit with reference time, the reference time being a time required by data with a predetermined format to travel to and from a device belonging to a predetermined group (paragraph [0110, 0123]) and

(ii) compare the first conversion information generated by the conversion unit and the second conversion information included in the second data received by the transmission/reception unit (paragraph [0022]), and

judge that the target device belongs to the group in an affirmative case where (i) a difference between the target time and the reference time is within a predetermined range and (ii) the first conversion information and the second conversion information match, and judge that the target device is external to the group in any case other than the affirmative case (paragraphs [0024-0025]).

As per claim 23, Nak discloses a group judgment device that is connected to a network and that shares common private information with a target device connected to the network, comprising:

a conversion unit operable to subject the private information to first conversion to generate first conversion information, and subject the private information to second conversion that is different from the first conversion, to generate second conversion information (paragraphs [0003, 0017-0018]);

a transmission/reception unit operable to transmit first data with a predetermined format including the first conversion information to the target device, and receive, from the target device, second data with a predetermined format transmitted in response to the first data, the second data including third conversion information that has been generated by the target device subjecting the private information to the second conversion (paragraphs [0017, 0021]);

a measurement unit operable to measure, as a target, a time required between (a) transmission of the first data by the transmission/reception unit and (b) reception of the second data by the transmission/reception unit (paragraph [0024]); and

a judgment unit operable to

(i) compare the target time measured by the measurement unit with a reference time, the reference time being a time required by data with a predetermined format to travel to and from a device belonging to a predetermined group (paragraph [0110, 0123]); and

(ii) compare the second conversion information generated by the conversion unit and the third conversion information included in the second data received by the transmission/reception unit (paragraph [0022]);

(iii) judge whether a message indicating that fourth conversion information and the first conversion information match has been received from the target device, the fourth conversion information having been generated by the target device subjecting the private information to the first conversion, and judge that the target device belongs to the group in an affirmative case where (i) a difference between the target time and the reference time is within a predetermined range, (ii) the second conversion information and the third conversion information match, and (iii) the message has been received, and judge that the target device is external to the group in any case other than the affirmative case (paragraphs [0024-0025]).

As per claim 24, Nak discloses a target device that is connected to a network and that shares common private information with a group judgment device connected to the network, the target device being judged by the group judgment device as to whether or not to belong to a predetermined group, the target device comprising:

a reception unit operable to receive first data with a predetermined format from the group judgment device (paragraphs [0017, 0025]);

a conversion unit operable to subject the private information to predetermined conversion, to generate first conversion information, before the reception unit receives the first data (paragraphs [0003, 0017-0018]); and

a transmission unit operable to transmit second data with a predetermined format including the first conversion information to the group judgment device, when the reception unit receives the first data (paragraphs [0017, 0021]).

As per claim 26, Nak discloses a group judgment system including a target device and a group judgment device that are connected to a network, the target device and the group judgment device sharing common private information in advance,

wherein the target device includes:

a reception unit operable to receive first data with a predetermined format from the group judgment device (paragraphs [0017, 0025]);

a first conversion unit operable to subject the private information to predetermined conversion, to generate first conversion information, before the reception unit receives the first data (paragraphs [0003, 0017-0018]); and

a transmission unit operable to transmit second data with a predetermined format including the first conversion information to the group judgment device, when the reception unit receives the first data (paragraphs [0017, 0021]); and

the group judgment device includes:

a transmission/reception unit operable to transmit the first data to the target device, and receive the second data including the first conversion information (paragraphs [0017, 0021]);

a measurement unit operable to measure, as a target time, a time required between (a) transmission of the first data by the transmission/reception unit and (b) reception of the second data by the transmission/reception unit (paragraph [0024]);

a second conversion unit operable to subject the private information to the predetermined conversion, to generate second conversion information (paragraphs [0003, 0017-0018]); and

a judgment unit operable to

(i) compare the target time measured by the measurement unit with a reference time, the reference time being a time required by data with a predetermined format to travel to and from a device belonging to a predetermined group (paragraph [0110, 0123]), and

(ii) compare the second conversion information generated by the second conversion unit and the first conversion information included in the second data received by the transmission/reception unit, and judge that the target device belongs to the group in

an affirmative case where (i) a difference between the target time and the reference time is within a predetermined range and (ii) the second conversion information and the first conversion information match, and judge that the target device is external to the group in any case other than the affirmative case (paragraphs [0024-0025]).

### ***Conclusion***



Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Barbara N Burgess/  
Examiner, Art Unit 2457

Barbara N Burgess  
Examiner  
Art Unit 2457

January 20, 2009  
/Salad Abdullahi/  
Primary Examiner, Art Unit 2457